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September 16, 2015

VIA ECF

Hon. Paul A. Engelmayer  
United States District Court  
Southern District of New York  
40 Foley Square, Suite 2201  
New York, NY 10007

**RE:** *Felix v. Breakroom Burgers & Tacos, et al.*, Case No. 15-CV-3531 (PAE)

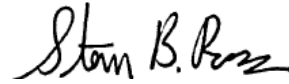
Dear Judge Engelmayer:

This firm represents the Plaintiff in the above-referenced action. By Order to Show Cause dated August 31, 2015, Your Honor directed counsel to show cause why this matter should not be dismissed for failure to prosecute, pursuant to Rule 41 of the Federal Rules of Civil Procedure.

As the Court notes in the Order to Show Cause, defendants were served on May 8, 2015 and defendants have not yet filed an Answer. Counsel has been contacted by attorney Robert Wong who represented to counsel that he has been retained by defendants to negotiate a settlement on their behalf. Counsel has been in discussions with attorney Wong to attempt to settle this matter. The parties were unable to reach a settlement and I informed attorney Wong that I would be filing an Amended Complaint. Attorney Wong indicated that he would be away on vacation for two weeks and asked that I not file plaintiff's Amended Complaint until after his vacation so he would have time to answer and be available to discuss the matter with his clients. As a professional courtesy I agreed to wait prior to filing plaintiff's Amended Complaint.

Simultaneously with this letter, Plaintiff is filing an Amended Complaint to correct errors. Plaintiff respectfully requests that the Court permit Plaintiff to serve the Amended Complaint and afford defendants the opportunity to answer the Amended Complaint prior to filing a motion for default judgment.

Respectfully,

A handwritten signature in black ink, appearing to read "Steven B. Ross". The signature is fluid and cursive, with the first name "Steven" and last name "Ross" being clearly legible.

Steven B. Ross, Esq.  
Ross & Asmar LLC